

M0030024

**From:** <Mike\_E\_Ford@blm.gov>  
**To:** <lynnkunzler@utah.gov>  
**Date:** 1/8/2007 8:58:46 AM  
**Subject:** Cotton Thomas Basin Reclamation

Lynn:

On January 8, 2007, I received your request for concurrence that the surface disturbance caused by Lon Thomas at Cotton Thomas Basin has been reclaimed satisfactorily.

I inspected the "granite" quarry area (actually gneiss), located in Section 17, T. 14 N., R. 17 W., on July 13, 2006. It appeared that the site had been partially reclaimed by Lon Thomas, however I did not actually drive to the site because I did not want to disturb the natural revegetation that was occurring on the two-track road that leads north to the old quarry area. This quarry site is one of two sites in the Goose Creek Mountains where Lon Thomas had been discovered removing Federal mineral resources without a mineral material contract, or where he had claimed any rights to remove such material under the Mining Law of 1872. In October, 1998, Lon Thomas was issued a Notice of Trespass the unauthorized severance of Federal minerals from these two areas. Since mid-October, 1998, there has been no evidence of continued trespass at this location.

We are anticipating a hearing with the Office of Hearings and Appeals' Administrative Law Judge in May, 2007 to resolve the outstanding trespass.

Because the surface estate is owned by Lon Thomas, and/or his associates, the Bureau of Land Management (BLM) generally has no authority to approve surface disturbing activities or reclamation activities on the subject lands. Where Federal mineral resources have been reserved to the United States under the Stock Raising Homestead Act (such as occurs on the subject lands) and there is a dispute between a land owner and a separate mining claimant, the BLM becomes involved in processing a mining Plan of Operations which will assure that the surface estate owner is compensated for his loss of production during the period that mining occurs, and that the site is fully reclaimed under stipulations that have been developed as part of the mining Plan approval. Because Lon Thomas is both the mine operator and the surface estate owner, and there is obviously no dispute between two separate entities, the BLM does not become involved.

Michael Ford  
Geologist  
Salt Lake Field Office